



- (c) Countrywide did not submit a cancellation of the security deed on the loan within 60 days of the loan having been paid in full, and
- (d) the security deed was not cancelled within 60 days of the loan having been paid in full.

See Complaint, ¶ 21.

2. On March 6, 2007, Countrywide filed a motion to dismiss the claims of the purported class set forth in the Complaint.

3. On March 20, 2007, this Court entered an order staying all discovery and deadlines in this action until the Court had issued a ruling on Countrywide's motion to dismiss.

4. On December 7, 2007, the parties filed a "Joint Motion to Stay Ruling on Motion To Dismiss," requesting that the Court (1) stay its ruling on Countrywide's motion to dismiss pending a final decision from the Georgia appellate courts in the case SunTrust Bank v. Chad R. Hightower, and (2) direct the parties to engage in additional briefing on Countrywide's currently pending motion to dismiss after Hightower was finally decided.

5. On July 23, 2008, the Court granted the Parties' Joint Motion to Stay Ruling on Motion to Dismiss. Since that time, this case has been stayed.

6. On March 7, 2008, the Court of Appeals of Georgia decided the Hightower case. See 291 Ga. App. 62, 660 S.E.2d 745 (2008).<sup>1</sup>

7. On September 8, 2008, the Georgia Supreme Court denied certiorari in the Hightower case, and the deadline for filing a motion for reconsideration of the denial of certiorari has expired.<sup>2</sup>

8. The Parties have conferred and have agreed that the parties should renew their briefing on Countrywide's motion to dismiss, now that Hightower has been decided.<sup>3</sup>

WHEREFORE, for the reasons stated above, the Parties jointly move that this Court lift the previously entered stay of its ruling on Countrywide's motion to dismiss. Additionally, the Parties jointly request that the Court issue an order directing:

(1) Countrywide to file a renewed motion to dismiss, and brief in support thereof, on or before December 15, 2008; and

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<sup>1</sup> A copy of the Court of Appeals' Hightower decision is attached as Exhibit A.

<sup>2</sup> A copy of the Georgia Supreme Court's docket report is attached as Exhibit B.

<sup>3</sup> The Parties further agree that the Court's previously-entered stay of discovery pending resolution of Countrywide's motion to dismiss should remain in place.

(2) the Parties thereafter to file response and reply briefs in accordance with Local Rule 7.

Respectfully submitted this 12th day of November, 2008.

Agreed to by:

s/ Charles A. Gower

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Pursuant to Administrative Procedure II(C)(3) for the United States District Court for the Middle District of Georgia, I, Bryan A. Powell, certify that the originally executed document contains the signatures of all filers indicated herein and therefore represents consent for filing of this document.

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a copy of the foregoing **JOINT MOTION TO LIFT STAY** was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

This 12th day of November, 2008.

s/ Bryan A. Powell

Bryan A. Powell